

1 SENATE JOINT MEMORIAL 39

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010**

3 INTRODUCED BY

4 Richard C. Martinez

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9  
10 A JOINT MEMORIAL

11 REQUESTING A STUDY OF CURRENT NEW MEXICO LAW RELATING TO  
12 MANAGING COUNTY JAIL OVERCROWDING.

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14 WHEREAS, the New Mexico legislature has passed measures  
15 approving and requesting a study of current law about jail  
16 overcrowding; and

17 WHEREAS, even so, no studies have resulted, and New  
18 Mexico's jails remain seriously overcrowded; and

19 WHEREAS, meeting federal constitutional standards for jail  
20 populations is demanding and expensive, but mandatory; and

21 WHEREAS, county taxpayers spent over one hundred fifty  
22 million dollars (\$150,000,000) to feed, house, transport and  
23 provide medical care to approximately seven thousand inmates in  
24 New Mexico jails; and

25 WHEREAS, detention costs comprise approximately one-fourth

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1 of county general fund budgets; and

2 WHEREAS, county governments are facing increased  
3 litigation costs due to unsafe conditions created by jail  
4 overcrowding; and

5 WHEREAS, approximately one-half of all inmates housed in  
6 county jails were arrested within municipal boundaries by  
7 municipal officers but became county inmates because they were  
8 charged with state law crimes; and

9 WHEREAS, most inmates held in county jails spent almost  
10 seven and one-half months, or two hundred twenty-four days, in  
11 those jails; and

12 WHEREAS, after sentencing, an average jail inmate spends  
13 another nineteen days in jail before being transported to  
14 prison; and

15 WHEREAS, municipalities pay counties only a small fraction  
16 of the costs for feeding, clothing and housing inmates in  
17 county jails; and

18 WHEREAS, New Mexico laws establishing county jails were  
19 originally adopted in 1865 and 1866 when costs to maintain  
20 jails were minimal and each county jail contained only a few  
21 cells and a county sheriff was in charge; and

22 WHEREAS, statutes currently provide no authority to boards  
23 of county commissioners to set policy to effectively manage  
24 county jail populations, even when the facilities become  
25 overcrowded and unsafe; and

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